**65**  **PUBLIC UTILITIES COMMISSION**

**625 EMERGENCY SERVICES COMMUNICATIONS BUREAU**

**Chapter 3: PROVISION OF ENHANCED 9-1-1 ACCESS-ONLY**

**SUMMARY:** This Chapter implements the requirements of 25 M.R.S.A. §2921 and §2935, by establishing requirements associated with the provision of Enhanced 9-1-1 access-only, or “Soft Dialtone.”

**§1. DEFINITIONS**

 As used in this Chapter, the following words and phrases shall have the following meanings:

 A**.** **ALI Database**. “ALI Database” means the set of Automatic Location Information records residing within a computer.

 B. **Automatic Location Identification (ALI)**. “Automatic Location Identification (ALI)” means the automatic display at the Public Safety Answering Point (PSAP) of the caller’s telephone number, the address/location of the telephone and supplementary emergency services information.

 C. **Automatic Number Identification (ANI):** “Automatic Number Identification” means a system capability that enables the automatic display of the seven-digit number of the telephone access line used to place a 9-1-1 call.

 D. **Emergency Services Communication Bureau (Bureau)**. “Emergency Services Communications Bureau (Bureau)” is the bureau within the Public Utilities Commission authorized to develop, establish, and manage the statewide Enhanced 9-1-1 system in Maine, pursuant to 25 M.R.S.A. §2926.

 E. **Enhanced 9-1-1 Access-only.** “Enhanced 9-1-1 Access-only” means the provision of E9-1-1 access to a residential telephone customer’s premises when telephone service to the premises is otherwise suspended or disconnected.

 F. **Commission.** “Commission” means the Maine Public Utilities Commission.

 G. **Intercept process**. “Intercept process” means a process to stop a telephone call directed to a disconnected or suspended telephone number and redirect that call to a recorded announcement.

 H. **Involuntary Disconnection**. “Involuntary Disconnection” means cessation of local exchange service that is not requested by the customer. It includes but is not limited to disconnection for non-payment. For the purposes of this Chapter, an involuntary disconnection begins when the customer no longer is provided access to the public switched network from the premise, i.e., after any period of involuntary suspension.

 I. **Involuntary Suspension.** “Involuntary Suspension” means the temporary period immediately before a customer is involuntarily disconnected but during which the telephone continues to have access to the public switched network.

 J. **Lifeline-eligible Customer.** “Lifeline-eligible Customer” means a customer qualifying for the Lifeline or Linkup services pursuant to Chapter 294 of the Commission’s rules, whether or not the customer receives either of the services.

 K. **Local Exchange Carrier**. “Local Exchange Carrier” means a telephone utility, as defined by 35-A M.R.S.A. §102(19), that provides local exchange service pursuant to authority granted by the Maine Legislature or the Public Utilities Commission.

L. **Local Exchange Service.** “Local Exchange Service” means telephone service within a local exchange area providing switched access to the public switched network that includes local calling pursuant to Chapter 240 of the Commission’s rules.

 M. **Public Safety Answering Point (PSAP)**. “Public Safety Answering Point (PSAP)” means a facility equipped to receive ANI and ALI and assigned the responsibility of initially receiving 9-1-1 calls and, as appropriate, directly dispatching emergency response services or transferring the calls to other public or private safety agencies for dispatch.

 N. **Soft Dialtone.** “Soft Dialtone” means access to some public switched network services after telephone service has been otherwise suspended or disconnected at a residential premise. For the purpose of this Chapter, Soft Dialtone provides, at a minimum, Enhanced 9-1-1 Access-only capability, but may provide additional telecommunication services.

 O. **Soft Dialtone Record.** “Soft Dialtone Record” is the record residing on the ALI Database that corresponds to a location that receives soft dialtone.

P. **Telephone Utility.** “Telephone Utility” means a telephone utility, as defined by 35 M.R.S.A. §102(19).

Q. **Voluntary Disconnection.** “Voluntary Disconnection” means cessation of local exchange service made at the request of the customer.

R. **Voluntary Suspension.** “Voluntary Suspension” means a hiaitus of the provision of local exchange service, provided at the customer’s request, when the carrier and the customer have an agreement under which the customer may pay a fee and the carrier resumes service after a period of time.

**§2. APPLICABILITY**

This rule is applicable to all local exchange carriers. The terms of this rule shall become effective on October 1, 2008.

**§3. PROVISION OF SOFT DIALTONE**

A. **Involuntary Disconnections**

1. **Duration.** If a residential customer is subject to an involuntary disconnection, the local exchange carrier shall provide soft dialtone to the telephone line of the customer for no less than 90 days following the date on which the line was involuntarily disconnected.

2. **Exceptions.** Notwithstanding section 3(A)(1), a local exchange carrier is not required to provide, or may cease providing, soft dialtone caused by an involuntary disconnection if any of the following conditions occur:

a. the local exchange carrier must install additional equipment to provide soft dialtone;

b. the local exchange carrier must expend resources to provide equipment or services that provide soft dialtone;

c. the local exchange carrier is unable technically or operationally to provide soft dialtone;

d. the customer voluntarily relinquishes soft dialtone at the location;

e. the local exchange carrier determines that the customer location receives active service to the public switched network by some means other than the line that was disconnected, regardless of the technology used to provide the connection; or

f. the local exchange carrier determines that the customer premises have been vacant for a minimum of 60 days, the line has been or is scheduled to be physically disconnected by an entity other than the local exchange carrier, or the line is associate with a structure that has been destroyed.

3. **Software Required.** For the purpose of Section 3(A)(2)(a) and (b), equipment, resources, and services do not include new or upgraded software necessary to provide soft dialtone and do not include equipment, resources, or services associated with non-utility service.

 4. **Customers with Inability to Pay.** Upon request, a customer may be treated like an involuntary disconnection if the customer:

 a. provides evidence to the local exchange carrier, in writing, that he or she is a lifeline-eligible customer; and

 b. asserts to the local exchange carrier, in writing, that the customer requires a disconnection because of inability to afford telephone service.

B. **Voluntary and Involuntary Suspensions**. If a residential customer is subject to a voluntary or involuntary suspension, the local exchange carrier shall provide soft dialtone to the telephone line during the period of suspension.

C. **Other Soft Dialtone Provisions**

 1. **Additional Telephone Services.** When providing soft dialtone pursuant to this Chapter, a local exchange carrier may, at its option, provide other telephone services in addition to Enhanced 9-1-1 access-only service.

 2. **Optional Provision of Soft Dialtone.** A local exchange carrier may, at its option, provide soft dialtone under circumstances different than those required by Sections 3(A) and 3(B) and for a period of time that exceeds the durations required by sections 3(A) and 3(B).

 3. **Soft Dialtone Required when Dialtone is Present.** A local exhange carrier must provide soft dialtone whenever a telephone provides access to dialtone.

D. **Customer Notification.** A local exchange carrier shall provide residential customers with periodic written information regarding the presence of soft dialtone. The notice shall be in clear language.

**§4**. **ALI DATABASE AND OTHER 9-1-1 REQUIREMENTS**

A. **General Provisions**

1. **Database Record Required.** Every location receiving soft dialtone shall have a corresponding record in the ALI Database until such time as soft dialtone is removed.

2. **Database Record Removed.** When telephone service is restored or a new installation is performed in a location that receives soft dialtone caused by an involuntary disconnection, the soft dialtone record corresponding to that location shall be removed from the ALI Database by the close of the next business day.

3. **Identifiable Telephone Number.** The local exchange carrier shall change the telephone number of a location receiving soft dialtone that results from involuntary disconnection or optional provision of soft dialtone, to a number that uniquely identifies service as being soft dialtone. The local exchange carrier shall notify the Bureau of its procedure for carrying out this subsection.

4. **Location Dialed.** If a soft dialtone number is dialed, the call shall be redirected using an intercept process.

B. **Record Formats**

1. **Customer Name Field.** The customer name field in a soft dialtone record shall be designated as follows:

a. **Involuntary Disconnection**. “INVOLUNTARY DISC—NO CALL BACK.”

b. **Voluntary or Involuntary Suspension.** Retain customer’s name appended with “NO CALL BACK.”

c. **Optional Provision of Soft Dialtone.** “LEFT-IN SERVICE-NO CALL BACK.”

2. **Class of Service.** The class of service field in a soft dialtone record caused by an involuntary disconnection or optional provision of soft dialtone shall be “NON‑PUBLISHED.”

C. **Annual Audit.** As part of its E9-1-1 annual data validation required by Chapter 2, §7(G)(2), each local exchange carrier shall perform the following review of its soft dialtone records:

1. **Removal of Obsolete Records.** Verify that each location corresponding to a soft dialtone record currently receives soft dialtone and remove all soft dialtone records for which soft dialtone no longer exists;

2. **Review of Time Limitations.** Review the length of time each soft dialtone record has resided in the ALI Database and, for each record that has exceeded the time limitations established in this Chapter, disconnect soft dialtone and remove the corresponding record from the ALI Database.

3. **Review of Identifiable Telephone Number Procedure**. Review and update the procedure for numbering soft dialtone numbers.

4. **Reporting of Results.** Within 30 days of completing its annual audit, each local exchange carrier will provide to the Bureau the number of soft dialtone records caused by involuntary disconnections that continue to exist after the annual audit is complete, and provide an updated identifiable telephone number procedure as required by subsection 4(C)(3).

**§5. WAIVER**

Upon the request of any person subject to the provisions of this Chapter or upon its own motion, the Commission may, for good cause, waive any of the requirements of this Chapter that are not required by statute. The waiver may not be inconsistent with the purpose of this Chapter, Title 25, or Title 35-A. The Commission, the Director of the Consumer Assistance Division, or the Presiding Officer assigned to a proceeding related to this Chapter may grant the waiver.

STATUTORY AUTHORITY: 35‑A M.R.S.A. §§ 104 and 111, 25 M.R.S.A. §§ 2921 and 2935, and Resolve 2007, ch. 157.

EFFECTIVE DATE: This Rule was approved as to form and legality by the Attorney General on July 29, 2008. It was filed with the Secretary of State on July 30, 2008 (filing 2008-335) and became effective on October 1, 2008.